

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CONTROLBOX.COM, LLC, and

Plaintiff,

v.

MICHAEL NICHOLS and
NIXCO, LLC,

Defendants.

Case No. 14-11069

Honorable Laurie J. Michelson

Magistrate Judge R. Steven Whalen

ORDER TO SHOW CAUSE

Federal Rule of Civil Procedure 12(h)(3) provides that “[i]f the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” Plaintiff’s Complaint states that the basis of federal subject matter jurisdiction for its claims is diversity of citizenship. (Dkt. 1 ¶ 6.) Under 28 U.S.C. § 1332(a), “there must be complete diversity such that no plaintiff is a citizen of the same state as any defendant.” *V & M Star, LP v. Centimark Corp.*, 596 F.3d 354, 355 (6th Cir. 2010); *see also Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267 (1806). As the party asserting diversity jurisdiction, Plaintiff bears the burden of establishing it. *See Hertz Corp. v. Friend*, 559 U.S. 77, 96 (2010).

Plaintiff Controlbox.com, LLC’s Complaint fails to allege the citizenship of its members. Nor does the Complaint allege the citizenship of the members of Defendant Nixco, LLC. (*See* Dkt. 1.) Because “a limited liability company has the citizenship of each of its members . . . the court needs to know the citizenship of each member of the company.” *Delay v. Rosenthal Collins Grp., LLC*, 585 F.3d 1003, 1005 (6th Cir. 2009). “And because a member of a limited liability

company may itself have multiple members—and thus may itself have multiple citizenships—the federal court needs to know the citizenship of each ‘sub-member’ as well.” *Id.*

Therefore, on or before **June 12, 2014**, Plaintiff shall either file an amended complaint curing these defects or inform the Court that federal court jurisdiction is lacking. Failure to comply with this order will result in the dismissal of this case for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(h)(3) and Local Rule 41.2.

SO ORDERED.

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE

Dated: May 22, 2014

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served on the attorneys and/or parties of record by electronic means or U.S. Mail on May 22, 2014.

s/Jane Johnson
Case Manager to
U.S. District Judge Laurie J. Michelson